

DELBELLO DONNELLAN WEINGARTEN  
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Counsel for the Debtor  
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Dawn Kirby Arnold, Esq.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

MARACAS CLUB AND RESTAURANT, LLC,

Chapter 11

Case No. 14-44489 (ESS)

Debtor.

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**DECLARATION OF DAWN KIRBY, ESQ.  
REGARDING ESCROW DEPOSIT**

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF WESTCHESTER        )

DAWN KIRBY, ESQ. hereby declares the following:

1. I am a partner in DelBello, Donnellan, Weingarten, Wise & Wiederkehr, LLP, counsel to the Debtor in the above referenced Chapter 11 case. This Declaration is filed pursuant to the Consent Order Fixing Deadline for Debtor to Fund Escrow (the “Consent Order”) entered on November 18, 2015 [Docket No. 63].

2. On November 30, 2015, the principal of the Debtor, Babita “Raquel” Shivdat, sent me an email advising that a wire was sent at 2:18 p.m. that day from her personal bank account to my firm’s escrow account in the amount of \$120,000. The email was accompanied by an attachment showing a Wire Transfer Request form containing the relevant information.

3. This morning my firm confirmed receipt of the wire in the amount of \$120,000.

4. Ms. Shivdat has advised me that the additional \$5,000 required by the Consent Order will be funded to my firm's escrow account via bank check.

5. Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct.

Dated: White Plains, New York  
December 1, 2015

*/s/ Dawn Kirby*

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DAWN KIRBY